

REVITALIZING AREA STUDIES: BUILDING THEMATIC RESONANCE THROUGH RECONCILIATION¹

Nila Ayu Utami
Faculty of Humanities, Universitas Indonesia.

ABSTRACT

Area Studies has garnered a lot of criticisms over the past several decades. This, of course, is to be expected as the initial foundation of the study itself is polemical, and very much colonial. Many have seen area studies as antiquated, unable to rise to the challenges of globalization. Indeed, as a project that relies upon “areas” conventionally demarcated, globalization poses as the threat/potential double-bind that can make or break area studies. Stepping up to the challenge, area studies have been in dialogue with other disciplines such as diaspora studies, postcolonial studies and cultural studies that have become prominent critics of area studies. These flirtations have been fruitful for more alternatives and possibilities come to fore. In the same vein, the nature of this writing is to build a dialogue between area-based knowledge and the travelling ideas spurred by globalization, and in doing so, hoping that such dialogue will produce thematic issue that connects localities, history, and knowledge production. This paper proposes the discourse of reconciliation as a thematic issue to reconnect and re-integrate different “areas” in the larger project of Area Studies.

KEYWORDS: area studies, decolonization, inter-reference, reconciliation, state-violence

INTRODUCTION

As a discipline anchored in the rather polemical and colonial foundation, area studies has garnered a lot of criticisms over the past several decades. The story of area studies was the story of “an academic enterprise that took as its basic unit of analysis territories that were often the relatively recent product of European imperialism and contained within their boundaries a bewildering variety of social, economic, and cultural forms” (Goss and Wesley-Smith, 2010, p. xi). In essence, it is “a body of knowledge produced mostly by Western scholars for Western audiences about non-Western societies, cultures and histories” (Mirsepassi, Basu and Weaver, 2003, p. 1). That knowledge production generated through the (mis)representation of ‘others’ still leaves bitter residues, and the unpacking of that gross (mis)representation is still very much ongoing across different disciplines.

Responding to the criticisms, area studies have gone through shifts and reconfiguration. This transpired especially in the period after the end of the Cold War where political laxity influenced the scholarship produced, even more so for area studies which has been attendant to geopolitical shifts. Be as it may, criticisms toward area studies remain strong. One of the strongest criticisms is on the question of relevancy. Area studies must face the rapid pervasion of globalization which challenges

¹ This article is derived from a section of the author’s Master’s Thesis. Additionally, an earlier draft of this article was presented at the 7th Biennale International Conference: Korean Studies Association of Southeast Asia in 2016.

“the conceptual and spatial boundaries with which area studies constructed its objects and defended its institutional identity” (Goss and Wesley-Smith, 2010, p. ix). Having sovereign states and conventional regional division as its main building blocks, area studies must grapple with loosening boundaries and travelling ideas that intensify geopolitical and sociocultural heterogeneities. Many have seen area studies as antiquated, unable to rise to the challenges of globalization. Indeed, as a project that relies upon “areas” resulting from geographical construction, globalization poses as the threat/potential double-bind that can make or break Area Studies.

The need to rise to the challenge of globalization creates a necessity to revamp area studies and present area studies as the center of knowledge production on localities that in turn informs the workings of transnational and globalization processes. Instead of being the force that spurs on the abandonment of area studies, in practice, globalization can be “made more precise and meaningful only by being grounded in area studies” because “[i]t is precisely the relationship between global processes and area-based knowledge that opens up new perspective on globalizing societies, nations and cultures” (Mirsepassi, Basu and Weaver, 2003, p. 13). Still, it is not quite easy to tease out the theorizing platform to make sense of the relationship between “global processes and area-based knowledge.” Stepping up to the challenge, area studies has been in dialogue with other disciplines such as diaspora studies, postcolonial studies and cultural studies that have simultaneously become prominent critics of area studies. These flirtations have been fruitful for more alternatives and possibilities come to fore. Scaffolding from those interactions, this article aims to build a conversation between area-based knowledge and the travelling ideas driven by globalization, and in doing so, hoping that such dialogue can yield thematic issue that connects localities, histories, and knowledge production.

The inability to address dark and murky history is a recurring concern in many localities. Indonesia is an apt illustration as it has witnessed a violent massacre that wiped out hundreds of thousands to around 1 million people in a massive anti-Communist killings in 1965-66. As this part of history is never officially introduced in the realm of official historiography, many counter-narratives started to emerge after the fall of the Suharto’s New Order regime, the regime that was built upon the result of the 1965-66 bloodbath. The demand to ‘straighten’ the past and make amends to the people innocently killed and/or imprisoned during the New Order period has produced quite significant push for state apology and reconciliatory attempts in Indonesia. However, more than two decades after the fall of the regime, state apology and reconciliatory attempts have yet to materialize. As reconciliation seems to be imperative, examples of reconciliatory attempts in the world have been utilized as the model to imagine reconciliation in Indonesia. This article then asks, what is the ‘proper’ model for reconciliation in Indonesia? And as reconciliation has been quite the keyword in today’s post-conflict and in-conflict societies, can reconciliation be the thematic resonance that connects issues, localities and histories? What about the danger of reconciliation par excellence as the result of the travelling ideas spurred by globalization? Through examining reconciliation as a discourse, is it possible to imagine a reconfiguration of the area-based knowledge production through global-local dynamics? A detour on the trajectory of reconciliation as a discourse might be helpful to shed some lights on these questions.

TRACING RECONCILIATION AND RECONCILIATORY EFFORT HUMAN RIGHTS ABUSE AND THE GRAND IDEA OF RECONCILIATION

The atrocities of the Holocaust and the World War II have retrospectively shaped the deployment of human rights principles. Universal Declaration of Human Rights and the UN Convention on the Prevention and Punishment of the Crime of Genocide, in particular, are seen as the foundational principles that establish the human rights regime. The former sets the standard of human rights principles and the latter declares genocide as international crime. Even though both was made in effect in 1948, directly following the end of the World War II and Nazi Holocaust, both were put to sleep for 40 years during the Cold War and only after the collapse of the Soviet Union that humanitarian interventions started bubbling (Levy and Sznajder, 2004, p. 143). The seemingly universalist human rights principles have become the platform to examine local experiences and create the impetus for inter-state intervention under the regime of international law, in particular when it involves human rights violations.

In practice, however, resolving past human rights abuses continues to draw on local specificities. Although the Nuremberg Trials and Auschwitz continued to haunt discussions of human rights abuses, exemplary cases of resolving past human rights abuses can also refer to South African and Rwandan Truth and Reconciliation Commission. The Rwandan genocide, which takes place in a form of Civil War between the Hutus and the Tutsis, has left the country in a state of pandemonium. In order to restore peace and manage relations, Rwanda performed a Truth and Reconciliation Commission that incorporated grassroots court mechanism called the Gacaca. The South African Truth and Reconciliation Commission was established to deal with the atrocities happened under apartheid. The TRC is deemed as a restorative-justice mechanism with platforms for the perpetrators of violence to speak about their experience. Both of these TRCs work in contrast with the Nuremberg Trials as they focused more on the element of restorative justice as opposed to retributive justice used in Nuremberg Trials.²

The concept of a Truth and Reconciliation Commission in itself did not come to light before 1990 with the National Commission on Truth and Reconciliation in Chile although the first form of a “truth commission” actually emerged way earlier in 1983 with the National Commission on the Disappeared (CONADEP) in Argentina (Heyner, 2010, p. 10). Truth and Reconciliation becomes a savvy measure to confront past human rights abuses and mend the ruptures within the society. Truth is emphasized because for human rights violations of massive scale that involve many elements of the society, justice and punishment are very hard to be implemented fairly. Thus, as exemplified by many South Africans, “the minimal requirement for forgiveness, most insisted, was to be told full, honest, and unvarnished truth” (p. 3). Where justice cannot go, truth will make do. The importance of truth telling in the mending of a conflicted society is seen as the path towards the desired reconciliation. A society with internal ruptures need to be reconciled. Whether truth in actuality really leads to reconciliation is still a question with no concrete answer as it can be true or false

² The conclusion of the South African TRC Final Report specifically mentions how “[r]econciliation involves a form of restorative justice which does not seek revenge, nor does it seek impunity. In restoring the perpetrator to society, a milieu needs to emerge within which he or she may contribute to the building of democracy, a culture of human rights and political stability” (Truth and Reconciliation Commission of South Africa Report, Volume 5, 1998, p. 444). This relates to the spirit of *Ubuntu* invoked during the TRC proceedings. For Rwandan values of restorative justice, see Mbenge (2014, p. 412).

under certain circumstances for different individuals. Even so, truth seeking through truth telling seems to be exemplary model for Truth and Reconciliation Commission.

According to Hayner (2010), the main task of a truth commission is the establishment of the truth itself. Through fact-finding, past events have to be clarified and an accurate version of a country's history has to be recognized. Hayner explicates that

the official and public recognition of past abuses serves to effectively unsilence a topic that might otherwise be spoken of only in hushed tones, long considered too dangerous for general conversation, rarely reported honestly in the press, and certainly out of bounds for the official history taught in schools. In effect, the report of a truth commission reclaims a country's history and opens it for public review (p. 20).

Thus, such measure is seen as the mandatory method that will lift the curtain of silence and create that indispensable shift from knowledge to acknowledgement central for reconciliation. Reconciliation has been so closely tied with the goal and purpose of a truth commission, as indicated by the union of the two words *truth* and *reconciliation*, that people see reconciliation as integral with the end goal of a truth commission. However, reconciliation in itself is in particular very elusive and difficult to articulate.³

The establishment of TRC then becomes an indication of not only the efforts of the state to confront its past and be accountable for it, but also an indication of a transitional justice effort taking place in that country and a process toward full democracy. According to International Center for Transitional Justice (ICTJ), until early 2011, around 40 official truth commissions have been established to account for past human right violations.⁴ Some of the truth commissions besides those in South Africa and Rwanda among others are truth commissions in Argentina, South Korea, Chile, Cambodia and Indonesia and Timor-Leste. Although the establishment of truth commission and the regime of human rights have become the precedent for the solving of past human rights violations,

³ The IDEA Handbook defines reconciliation as "the process through which a society moves from a divided past to a shared future" (Bloomfield, 2003, p. 12). Thus, there is an assumed "divided past," presumably the impacts of a violent conflict, that needs to be reconciled in order to achieve a "shared future." The shift from the past to the future marks the process of reconciliation and it will be deemed effective only when the past is not recurring again. The roots of reconciliation, however, might actually come from the Hegelian project of reconciliation in which Hegel imagines that reconciliation "is the process by which every sundering is repaired and overcome, every rupture is healed and raised to a higher level, until that gulf that would separate humanity from God is transcended" (Friedland, 2005, p. 51). Reconciliation here then refers to the spirit of Christianity that "reconcile(s) every distance between man and God, between the infinite and the finite, in the dual movement of God becoming man and man becoming God" (p. 54). Hegelian reconciliation is heavy with the necessity of forgiveness and the logic of conversion because forgiveness is a must within reconciliation for it is "understood as the very essence of justice. It is justice raised above justice, to its height and its truth – that is forgiveness is more just than justice" (p. 53). The act of transcending and becoming can be completed only through forgiveness. Hegelian concept of reconciliation gives the idea of reconciliation a theological background. Additionally, for Hegel in the process, "two consciousness proceed to reconciliation, where no acts or individuals are divided by thought and judgment, and where the two parties are united in the universality of reason or Absolute Spirit" (Cahan, 2013, p. 180). Although the reconciliation that IDEA Handbook explicates does not touch upon the notion of religion, the notion that reconciliation happens when there is a shift to a "shared future" from the "divided past" is in lieu with the Hegelian reconciliation that heals rupture and ends in the universal union of previously separate entities (enemies). Also, it needs to be noted here that Hegelian reconciliation is a very Christian one.

⁴ Accessed at April 26, 2015, from <https://www.ictj.org/our-work/transitional-justice-issues/truth-and-memory>.

each truth commission has their own specificity in dealing with their past. The establishing of a truth commission in the first place is not an easy feat for it requires a lot of efforts and widespread support. Indonesia has experienced a truth commission to solve the past human rights violations in the now independent Timor-Leste. In the past two decades, however, Indonesia has been struggling with the establishment of a truth and reconciliation commission for the anti-communist massacres in 1965-66. Whether or not a truth and reconciliation commission will be established in Indonesia remains a question with no concrete answer.

ATTEMPTS TO ESTABLISH TRUTH AND RECONCILIATION COMMISSION IN INDONESIA

MPR Decree V/2000 on the Consolidating National Unity and Integrity provides the legal basis of concretizing the notion of reconciliation in Indonesia. The Decree is the culmination of reformatory attempt following the downfall of the Suharto regime as it marks the first time a legal stature, albeit indirectly, addresses past human rights' violation. Part B, "*Purposes and Objectives*," of the Introduction states that "[t]he Decree on consolidating national unity and integrity in general has as its purposes and objectives to identify existing problems, to determine desired conditions to achieve national reconciliation, and to determine policy directions as a guide to the stabilization of national unity and integrity." By addressing "existing problems" and "reconciliation," the Decree acknowledges that there has been past occurrences that have not been addressed appropriately and thus causes certain ruptures within the community that then should be mended through reconciliatory effort. The effort needs to be undertaken through a formal body that focuses on reconciliation as "serious awareness and commitment to consolidate unity and national integrity must be shown in real actions, in the form of a Truth and National Reconciliation Commission, together with the formulation of national ethics and a vision for the future of Indonesia." And thus strong legal basis to establish a Truth and National Reconciliation Commission has been clearly and straightforwardly formulated that nothing can seemingly go awry. In addition to the Decree, Act No. 26/2000 on Human Rights Courts also mandates the establishing of a Truth and Reconciliation Commission as Article 47, Section (1) stipulates that "[a]ny serious Human Rights abuses that occurred before this Act comes into force can be settled by the Truth and Reconciliation Commission." This Act sees Human Rights courts and TRC as two available mechanisms to resolve past human rights violations.

It takes more or less 4 years for the TRC Act to be legalized in 2004 – a very long process of bill drafting considering that the legal basis has been set up in 2000. The length of time it takes to concretize this Act becomes another indication of the political tugs of war surrounding the making of the Act. In 2006 a group of NGOs filed a judicial review to the Constitutional Court for the annulment of specific Articles of the Act that are deemed to be crippling the spirit of reconciliation.

The TRC Act in itself is problematic for it is regarded as encouraging and preserving the culture of impunity in Indonesia as it promotes amnesty for the perpetrators. It was not a TRC Act that had been envisioned as an ideal means to confront the past for many. The clause on amnesty on Article 1, point 9, for example states that "amnesty is a pardon granted by the President to offenders of heavy human rights violations with regard to the consideration of the People's Representative Council." Thus, amnesty will be given to the perpetrators instead of legal punishment. In relation to the clause on amnesty, the clause on compensation, Article 27, states that compensation, restitution

and rehabilitation to the victims are granted only when the perpetrators are in turn granted amnesty. Thus, amnesty is a prerequisite to rehabilitation for the victims will only receive compensation when the perpetrators have admitted their crimes, asked for forgiveness and are granted amnesty by the President. In the case where the President does not grant amnesty, the case will be forwarded to Human Rights Court and the victims will not receive their compensation. Another problematic clause stems from Article 44 that states that the TRC will serve as a substitute for a trial and that the decisions made in the TRC cannot be challenged in a trial. Coming from a legal apparatus which mandate is to reveal the truth, this Act is siding far to the perpetrators' side and constraining the rights of the victims. With this in mind, the judicial review was submitted to the Constitutional Court in the attempt to restore the victims' rights and save the TRC Act from being a political vehicle to maintain widespread impunity in Indonesia.

The petitioners for this judicial review are ELSAM (Institute for Policy Research and Advocacy), KontraS (The Commission for "The Disappeared" and Victims of Violence), Imparsial (The Indonesian Human Rights Monitor), LBH Jakarta (Jakarta Legal Aid Institute), Solidaritas Nusa Bangsa (Nation Solidarity), LPKP 65 (Foundation for the Research of 1965 Massacre), LPR-KROB and two individuals: Raharja Waluya Jati and Tjasman Setyo Prawiro. Of all three Articles being submitted for judicial review, the Constitutional Court only decided on the annulment of Article 27 – the Article that regulates the granting of amnesty as a prerequisite for the granting of compensation, rehabilitation and restitution. Constitutional Court sees Article 27 as having contradictory nature due to its prerequisite amnesty for rehabilitation for the victims. The contradictory nature, according to the Constitutional Court, lies on the emphasis on individual criminal responsibility on the Act whereas in reality many of the perpetrators can no longer be easily found or pointed out now. With such emphasis on individual perpetrators, amnesty should be a prerequisite for only restitution from the perpetrators or a third party. Thus, it is misconceived if the reconciliation that is imagined through the Act makes individual criminal responsibility as its point of departure in achieving reconciliation instead of gross violations of human rights. The fact that a gross violation of human rights occurred in the first place should be enough justification for both the government and the individual perpetrators to grant compensation, restitution and rehabilitation for the victims without any requirements. Making amnesty as a prerequisite is a violation of the 1945 Constitution.⁵ Thus, the Constitutional Court sees the Article 27 as problematic and ruled in the annulment of the Article.

For Article 44 regarding the function of the TRC as a substitute for a Human Rights Court instead of complementary to one, the Constitutional Court decides that TRC is an alternative dispute resolution mechanism that can solve human rights violation through amicable means. Thus, it is not seen as a practice that justifies impunity as it quotes that such practice that promotes forgiveness has been done before in South Africa. In that aspect, the Constitutional Court does not see Article 44 as problematic and/or contradictory to international law. The same decision is also granted to the disputed Article 1, point 9, regarding amnesty that is granted by the President. The Constitutional Court ruled that such point only gives a definition within a general stipulation and is not a binding norm. Peculiarly, however, the Constitutional Court ends up declaring the whole TRC Act null and void.

The Constitutional Court regards Article 27 as the core or the heart of the TRC Act as the

⁵ See the Constitutional Court Decree No. 006/PUU-IV/2006 page 28-29

operationalization of the TRC Act depends on the annulled Act. Thus, by declaring that Article 27 goes against the 1945 Constitution and does not have legally binding power, all the stipulations contained within the TRC Act are impossible to implement. The rest of the stipulations will be affected by the annulment of Article 27 as it is closely related to other Articles such as Article 1 (9), Article 6 (c), Article 7 (1, g) Article 25 (1, b) Article 25 (4, 5, 6), Article 26, Article 28 (1) and Article 29.⁶ The petitioners did not see such decision coming and were taken aback by the annulment of TRC Act by the Constitutional Court.

In a Briefing Paper Series published by ELSAM, ELSAM criticized the Constitutional Court's decision on the judicial review and claimed that the Constitutional Court falsely interpreted the main objective of forming the TRC. From the point of view of the decision, TRC is seen as "a tool for reconciliation" and since reconciliation cannot be attained through the annulled Article 27 that shows "negligence on the part of the law to provide protection and justice as guaranteed in the Constitution, therefore the Constitutional Court considered that this Article does not have any legally binding force" (Saptaningrum et.al., 2007, p. 13). However, the TRC, argue the petitioners, is not a mere vehicle to achieve reconciliation. The main point of its establishment is to provide a space for the victims to have their side of the story heard and taken into account. It emphasizes on revealing the truth because only when the truth is revealed that reconciliation can start to work on itself. Thus, the objective of the TRC is not reconciliation itself, but it is on its truth-telling mechanism that is hoped to map a way toward reconciliation.

The Briefing Paper also suggests that the decision of the Constitutional Court to annul the whole TRC Act exceeds the petitioners' (*ultra petita*) and thus it becomes a serious violation of the Constitutional Court Act. It is so because "there are no rules or regulations in the Constitutional Court Act that allow the Constitutional Court to make a decision exceeding the petition" and that it is "a serious violation of a cardinal principle in the laws of procedure, i.e. the *non-ultra petita* principle, or the principle 'governing the Court's judicial process, which does not allow the Court to deal with a subject in the disposition of its judgment that the parties to the case have not, in their final submissions, asked it to adjudicate'" (p. 17-18). This means that the decision to make the TRC Act null and void on the whole is beyond the request of the petitioners, and thus a breach on the Constitutional Court Act in itself. ELSAM considers this action as setting up a negative precedent in showing the public that the laws can be made inconsistent in practice.

In a later report discussing the importance of reforming the TRC Act, however, ELSAM revisits the Constitutional Court's decision and argues that the decision does not completely close the possibility of reentering the TRC Act (ELSAM, "Mendorong Kembali"). In its decision, the Constitutional Court gives some alternatives to the attempts at resolving past human rights abuses; one of which is by reformulating the TRC Act that is in lieu with the 1945 Constitution and that upholds the principles of humanitarian laws and international human rights laws. Thus, annulling the TRC Act can be seen as a given opportunity to actually reformulate the concept of Truth and Reconciliation Commission that is desired and to be concretized in the form of a legal stature. ELSAM emphasizes the given opportunity to create a middle ground between the importance of legal punishment for the perpetrators on one hand and the importance of forgiveness and amnesty on the other hand, albeit not going to be a satisfactory one for both sides. This is deemed important for transitional justice to be generated in Indonesia. ELSAM also further points out that the

⁶ See the Constitutional Court Decree No. 006/PUU-IV/2006 page 31

Constitutional Court constitutional order to reformulate the TRC Act is an important recognition of the urgency of establishing a Truth and Reconciliation Commission in Indonesia as part of the process of solving past human rights violations. 2016 marks the 10 years period since the annulment of TRC Act in 2006 and the momentum of establishing TRC Act might have been lost and an arduous task to regain back.⁷

RETHINKING RECONCILIATION ELSEWHERE

Heyner (2010) marks that there have been 40 truth and reconciliation commissions or of similar manner with the Commission of Inquiry into the Disappearance of People in Uganda since the 25th of January 1971, dated as early as 1974 (see Appendix 2, Chart 1, p. 265). International Center of Transitional Justice also informs that there are 40 official truth commissions as of early 2011. It is not the purpose of this article to trace down the genealogy of every truth commission that has been established to deal with past human rights abuses. In order to address reconciliation as a travelling discourse, this section will discuss truth commissions from South Africa and South Korea.

THE BASIS OF RECONCILIATION AND THE AFTERMATH OF IT

The South African Truth and Reconciliation Commission (TRC) was possible partly because of the political reformation laid by the CODESA (Convention for a Democratic South Africa), the talks in the early 1990 that put both sides of the conflict together to arrive at the understanding that the solution to end the conflict was political reform. Through CODESA, the language of treating the enemies changed from that of criminals to that of political adversary, and thus displaced “the paradigm of criminal justice identified with Nuremberg” (Mamdani, 2015, p. 67). By treating the other camp as political adversary instead of criminals, a different set of circumstances was formulated and with that came along different forms of justice as well. Under the Government of National Unity (GNU), the power-sharing government established after the sunset clause agreement, the TRC was established to help with the reconciliation process after a long period of systemic violence and human rights abuses.

Mamdani (2015) has argued that if the world were to take a lesson from South African transition to democratic constituency, it should look upon CODESA instead of the TRC. However, and rather unfortunately, the TRC in South Africa was rather exemplary, a mechanism par excellence, in particular due to its public hearing methodology through which the perpetrators were given the stage to openly acknowledge their crimes in exchange for amnesty. This mechanism is considered exemplary as “[s]ince the South African commission, and very much influenced by that experience, most other substantial truth commissions have held public hearings” (Hayner, 2010, p. 219). It is hard to deny its impact, along with the Nuremberg trials, within the notion of legal justice and the transitional justice mechanism spearheaded by the human rights regime as tools to address past human rights violations. The TRC’s focus on restorative justice, however, dilutes other aspects contained within a reconciliatory process that involves truth sharing in public.

⁷ On April 2015, however, it was announced that the establishment of a truth committee (not commission, for commission requires legal basis) was in the work.

The public hearing is first and foremost a stage, in particular for the perpetrators, and comes with it are performative dimensions that we have to take into account. The South African TRC was criticized in which justice was invisibilized. Borrowing from Sitze (2003), the TRC was an “impossible machine” – a somewhat miracle producing “machine that works only to the extent it itself remains invisible and off-stage” (in Barucha, 2014, p. 123). It was deemed *impossible* because it aimed to put together confessions of the perpetrators and the melancholic testimonials of the victims in order to produce emotional truth to negotiate forgiveness and reconciliation – the staging of a meeting that is rather impossible to begin with. The TRC is a *machine* for it was assisted by scrupulous rules and regulations under which the “drama” took place (p. 123). In his reading of Sitze’s analysis, Barucha (2014) claims that for Sitze the TRC was very much impractical and that “it was a ‘machine whose mandate was either too good to be true, too broad to be practical, or too constrained to be transformative – but that, in any case, did not deliver, and arguably could not have delivered on its great potential’” (p. 123). Thus, behind what seems to be a groundbreaking mechanism for peacemaking and reconciliation, there seems to be certain elements that impede the TRC to fully deliver its potentials and it is this issue that Barucha takes up further in his analysis of the theatrical dimensions of the TRC itself.

Barucha questions the theatricality playing out at the TRC through the focus on truth telling. Although “factual truth” has been prioritized in the TRC Report in South Africa, “the most terrifying truths of the violence of apartheid were voiced through personal stories” (Barucha, 2014, p. 132). It is not an exaggeration to claim that these stories told through personal experiences were taking the spotlight as the primary evidence for the TRC. He confronts the assumption behind the TRC that truth will set people free when the truth has been heard and told. Instead, this emphasis on truth telling did not result in the victims living in peace for they continue to live “in the twilight zone, never being allowed to forget their pain and not being able to heal or put closure in their memories” (p.131). There might be merits in truth telling particularly when justice is hard to obtain. Hayner (2010) mentions how knowing and telling the truth becomes “the minimal requirement for forgiveness” in the absence of legal justice (p. 24). However, this method did not seem to achieve much success either as Market Research Africa released a national poll showing that people were more inclined to be more angry and bitter rather than forgiving after the TRC (p. 184). The promotional posters from the commission enticing people that “Truth: The Road to Reconciliation” and urging people to “(let’s) speak out to each other. By telling the truth. By telling our stories of the past, so that we can walk the road to reconciliation” (in Hayner, 2010, p. 183) did not achieve its much-intended reconciliation, and instead show how truth telling does lead to neither victims’ justice nor reconciliation. It left the people instead with perennial sufferings that can neither be alleviated nor ended.

It appears that the reconciliation process in South Africa is rather symbolic, measured and pursued in purely practical terms. The vocalization of pain and suffering, through which the transitional justice codified its fight against silence and repression, can be a rather different form of violence (Barucha, 2014, p. 135). It fails to see silence as a form of resistance against trauma as well as an act of empowerment for the victims for it is them that become the “witnesses of their own suffering, sentinels of their own suffering” (p. 137). Thus, to assume that truth alone is enough to warrant producing reconciliation “with generous doses of pain and suffering, does not quite engage with the cathartic efficacy of revenge released – and transformed – through improvised anger” (p.

139). Such method of reconciliation does not deal with the remnants, the residues, of the truth-telling process and valences of living with these remnants in the everyday life of the people.

Returning to the notion of political reconciliation accentuated by CODESA, if the CODESA built political reconciliation, the TRC tried to substitute Nuremberg by “displacing the logic of crime and punishment with that of crime and confession” which led to adoption of amnesty for the perpetrators (Mamdani, 2015, p. 78). In doing so, however, the TRC focuses on individual state officials instead of the Apartheid as a structural, illegitimate political and economic system (p. 71-78). This action mirrors that of the Nuremberg logic, instead of trying to supplant it. Both South African TRC and Nuremberg Trials shared “a neoliberal understanding of justice, one that individualized it. Both were oriented to individual guilt even though one prioritized reconciliation, and the other prosecution” (p. 78). To put it simply, the two differ merely in methods but not in substance. Even when the TRC prioritized reconciliation, it offered reconciliation without reparation, one that becomes a “perpetuation of injustice” (Barucha, 2014, p. 130). If there is reconciliation in South Africa, it is a political reconciliation laid down by CODESA, albeit however flawed it is.⁸ Most importantly, from the experience of TRC in South Africa, it seems that the threshold for demand that truth takes us to reconciliation and justice might have been an illusion built more upon words juxtaposition and less upon the everyday transformation it brings to the people.

THE LIMIT OF JUSTICE AND RECONCILIATION

In January 12, 2000, The Special Act for Investigation of the Jeju (or the old spelling, Cheju) April 3rd Incident and Recovering the Honor of the Victims is enacted and promulgated. This Special Act serves as the legal basis for the establishment of The National Committee for Investigation of the Truth about Jeju April 3 Incident that was inaugurated in August 28, 2000. The Jeju April 3rd Incident is known as *sasam sakon* or the 4.3 Incident. This Incident was incited by the attack from the communist guerillas,⁹ hundreds in number, against the police and the rightists in Jeju Island on April 3, 1948. The government launched counterinsurgency operations that escalated into massacres of civilians with estimated death toll of 80,000 people, a third of the Jeju population at that time (Kim, 2007, p. 191). The 4.3 Incident “did not or should not exist” in the Korea’s national history because it was a communist-instigated incident (Ryang, 2009, p. 1). Similar with the suppression of 1965-66 anti-communist massacres in Indonesia, under the South Korea’s anti-communism law that has been enforced since 1948, “not only the perpetrators of national security offenses but also their close relatives were implicated, even the shedding of tears over the death of a family member who had been labeled as a treasonous communist was seen as a crime in itself” (Ryang, 2009, p.1).

The redress movement for the 4.3 Incident began after the first civilian government was elected in 1992 and concretized under Kim Dae-Jung’s presidency in 1998-2003, a long-standing

⁸ For more details on CODESA, see Mamdani (2015).

⁹ The guerilla attack was prompted by the 3-1 Shooting Incident by the police which killed people, bystanders watching the parade to denounce the upcoming general elections scheduled for May 10, 1948, and wounded 8 people. This Incident took place during a worsening social condition in Jeju Island caused by a rise of population and unemployment rate (The Jeju 4-3 Incident Investigation Report, 2014, p. 647, accessed at http://www.jeju43peace.or.kr/report_eng.pdf)

opposition leader famous for his Sunshine policy (“Kim Dae-jung: Dedicated to,” 2001).¹⁰ The National Committee for Investigation of the Truth produces the Jeju 4.3 Incident Investigation Report in 2003 that made several recommendations for the government that include recommending the government to issue an apology to the Jeju islanders, victims and the families, providing living expenses for the bereaved families suffering from poverty, excavating mass graves and supporting the establishment of Jeju April 3 Peace Memorial Park. President Roh Moo Hyun conveyed a formal apology to the people of Jeju Island in October 31, 2003, a stance he took after the final report on the investigation of the Incident was approved two weeks prior.¹¹ Despite the apology and the establishment of the Jeju April 3 Peace Memorial Park in Jeju Island that holds Memorial Service annually on the anniversary of the Incident, the residents of the island still mourn for the Incident (Song, 2010, para. 13). Just recently, Prime Minister of South Korea Lee Wan-Koo vowed to the public that the government is going to continue attempting to console those hurt by the bloody uprising and “make utmost efforts to commemorate the victims and consoled their bereaved families” (“PM vows efforts,” 2015, para. 5). Even with the institutionalized redress movement, an open apology to the victims and their families and an established Memorial Park with annual memorial services, it seems that the Jeju Islanders continue living in inconsolable mourning for the past tragedy.

Kim Seong-Nae¹² wrote on this aspect of mourning in her works which are particularly concerned with trauma and ritual healing of state violence during April Third Incident of 1948 on Cheju Island, Korea. Kim (2007) discusses fractured remembrance, memory “as a reconfiguration of the past” as opposed to repossession of it, and how this fractured remembrance is very much shaped by “the social and political dynamics of forgetting and remembering that produces it in both everyday and public life” (p. 192). Kim argues that memory surrounding the 4.3 Incident was “a reconfiguration of the past” precisely because she considers that memory work selects images that would suit the needs of the present time. Thus, the memory of the past is not something unchanging nor singular and one-dimensional; it continues to be shaped and reshaped in a discursive struggle for representation of truth. Kim uses the representational forms of 4.3, the reconfiguration of the memory in memorial services, testimonies, art exhibitions and shamanic rituals among others, and how they represent contested and negotiated claim of historical truth as her object of analysis.

An important note from her work is an insight into how the language of “forgiveness and reconciliation” can be usurped by the state to form itself an identity of “another victim of its historical failure” (p. 199). In the sphere where memory is a political contestation, between the official version of 4.3 Incident as communist insurgency and the local and more individualized versions of the people, the state joins the mourning by likewise identifying itself as the mourners through the motto of *forgiveness and reconciliation*. However, this axiom of *forgiveness and reconciliation* that appeared in the commemoration ceremonies is a mere façade to obscure and

¹⁰ Kim (2009) divides the advocacy for the 4.3 Incident into 4 stages with the first stage dating as early as the period of 1954 to 1987 made by “few courageous individuals” and the last stage being the institutionalized redress movement through the National Committee (p. 412).

¹¹ President Roh Moo Hyun made a second apology in 2006 on the April 3 Memorial Service (retrieved from: <http://www.jeu43.go.kr/english/sub05.html>).

¹² Prof. Seong-Nae Kim is a Professor of Religious Studies at Sogang University in Korea, and also the editor-in-chief of the *Journal of Korean Religions*. Her research and writing focuses on popular memory and religion, ritual studies, and gender studies.

absolve the traumatic memory and pain bore by the people of Jeju (p. 199). The establishment of the Tomb of One Hundred Ancestors for One Descendant that was first erected in 1958 to commemorate the deaths of 132 civilians massacred under the charge of communist conspiracy in 1950 perfectly symbolized the contestation of memory in public sphere. After the military coup, the erection of this memorial cenotaph was questioned and subsequent attempts to erect the memorial were prevented by the military regimes. In 1994, after the establishment of the nation's first elected civilian government, the state official delegates erected the memorial cenotaph. Thus, the memorial then becomes a site that belongs to the state instead of a memorial erected in the spirit of dissent like it previously was. Additionally, the memorial writings engraved in the memorial serves to send out a particular message of "forgetting of violence in the past and reconciliation with the future" (in Kim, 2007, p. 200). The memorial thus is a site of contestation that tells the story of an ideological battle between the left and the right and the aftermath of that ideological battle, but simultaneously the push for forgetting the past and for future reconciliation allows the state "to evade its moral responsibility" (p. 200).

By utilizing the concept of the language of agency from Veena Das (1987) and the language of violence by the agencies of the state by Elaine Scarry (1985), Kim argues that it is exactly when the violence of the state is made as a historical fact that the "felt-experience of pain is transferred beyond the sentient distress of the person" and pain thus objectified into a concretized marker that does not necessarily have corresponding meaning for each purpose (Kim, 2007, p. 201). I take Kim's insight as how she tries to describe the danger of usurping people's lived experience, vast and multi-dimensional, into a collective commemoration and/or redress movement through different kinds of agencies (state, non-state). Instead of reconciling the pain and trauma (or what is it that is tried to be reconciled in the first place?), forgiveness and reconciliation becomes a means to obscure the mourning that is constantly felt and deny this inconsolable mourn. Kim shows the limit of representing past violence, memories, and trauma in a post-conflict society – that representation is in itself a violent act.

Kim argues for the need to find the site of memory that escapes absorption and misappropriation by "language of agency and agency of violence" and that this "fragmented memories survive in 'the body of this death', a corpse who could speak only in ghostly image and in murky and subliminal spaces such as dreams and possession illnesses" (p. 202). "The body of this death" – simultaneously the dead, that time and the death – is a unique space for it is inaccessible in a real world for the dead is no longer living. But it is precisely its inaccessibility in the real world that gives it a unique, subliminal space. The dead simultaneously exists and doesn't exist – the body is inexistent but "the body of this death" exists in subliminal spaces that can be summoned through for example shamanic practices – bridging the living and the dead. These shamanic rituals serve as a reconciliatory mechanism and gives *justice* probably more than any other *worldly* methods available for they "put(s) together the ghostly words of the dead and the live testimony of the survivor" (p. 203). The innards of reconciliation might not always be between the victims and the perpetrators, but it can be in this subliminal space between the mourners and the object of mourning. Furthermore, reconciliation might have been appropriated into political consolation that in the end violently imposed upon inconsolable mourning the imperative to make peace with the past for the future.

The National Committee, however, was not the only institutionalized redress movement in South Korea. In 2005, the South Korean government reached a milestone when it made effective the

Framework Act that later on established the Truth and Reconciliation Commission, Republic of Korea (TRCK). It is rather apparent that TRCK derives its name from the South African Truth and Reconciliation Commission that also becomes the model for the TRCK. Although modeled after the South African TRC, the TRCK differs from it in terms of task. The TRCK sets on a very broad task of “dealing with a history burdened with colonial legacies, mass killings, mysterious political incidents, and human rights abuses that had occurred since 1945” (Kim, 2010, p. 526-527). The task is enormous, not only that it encompasses many different aspects of history, it also attempts to deal with it within a particular time frame. Giving the TRCK only five years to complete its mission, from December 2005 to December 2010, the mandate comprised approximately one century of history from the commencement of Japanese rule in Korea until the downfall of the authoritarian regimes in South Korea.

Though the redress movement in South Korea deserves applause, its limited period of activity and enormous task creates a lasting impression that finding truth and reconciliation has an expiration time. Once it expires, it loses its validity. This notion of expiration and validity can be found in many articles discussing TRCK in South Korea (Yoneyama, 2010; Kim, 2010; Suh, 2010). Often forgotten is the idea that the pursuit of truths means the obfuscation of other truths and that the work of TRC and other legal modalities must always be seen as incomplete and insufficient (Yoneyama, 2010, p. 669). Only through its incompleteness that the mourning of the people, like Kim discusses so eloquently, will not be absolved or denied. “The project of historical justice must be understood as one of *longue durée*” (p. 658). It should be regarded as such precisely because justice for the victims of violence “cannot be achieved through simply holding one’s national “enemy” accountable” (p. 658). The political conditions out of which violent disposition and subsequent victimization occur need to be acknowledged to understand that the violence stretched beyond the actual timeframe of the event. Thus, “considering that truth is born in “the process,” a TRC should be a permanent institution rather than a temporary one” (Suh, 2010, p. 649). It needs to not be restricted by time for its full potential to be realized.

Additionally, the idea of delivering justice in itself needs to be thoroughly examined. Justice and law, and subsequently the enforcement of it, might not correspond to one another. Derrida configures justice as “an alterity to existing law, rules and rights, then becomes an aporia, or a kind of “undecideability”” that is realized “in the moment this aporia deconstructs the political and the judicial. The experience of justice must thus be sought in aporia and needs to remain inassimilable to the order of politics and law” (in Yoneyama, 2010, p. 664-665). What we perceived as justice being delivered might not be the exact justice the victims can relate too. This also rings true from Kim’s works as well as the constant mourning the Jeju Islanders live with. Even through political acknowledgment, apology from the state, and the memorial park and services to mourn through, the mourning stays inconsolable and surprisingly it is through the bridging of live and death from shamanic ritual that opens the potential for a proper work of mourning to be conducted.

RECONCILIATION, TRAVELLING IDEAS AND SHIFTING THE GEOGRAPHY OF KNOWLEDGE

Reconciliation as a discourse complicates “area” as a geographical marker particularly because the trajectory of the idea is made possible by the mobilization of knowledge in a global era, but its implementation simultaneously challenges this global circulation of reconciliation par

excellence and is rooted in historical and local specificities. As discussed above, the discourse of reconciliation does intertwine with the idea of justice (be it restorative and retributive) and truth although by now the discourse has been so proliferated that the historicizing of the narrative is often missing. However, with it also latches a particular idea of reconciliation, one that champions “truth,” that has been made par excellence that all else falls through. The case from South Africa’s TRC reveals that reconciliation is first and foremost a political one and that the grand TRC never unseats the Nuremberg narrative. It reveals that the idea of justice par excellence as exemplified by the Nuremberg trials has travelled all the way to South Africa and is usurped, reconfigured in a certain manner, to embody seemingly different concoctions but apparently with similar ingredients. And even with truth-telling, reconciliation leaves bitter residues that are hard to chew and even tougher to swallow. South Korea too follows the “proper mechanism” of truth-seeking and reconciliation. And yet, the perennial suffering of the people seems unalleviated even with the grand gesture of apology and monument building. Mourning is in turn crystallized and made perpetual.

South Korea’s experience with truth-seeking and reconciliation offers an interesting insight to the mechanism of mourning and coping. The after-effects of reconciliatory attempts have not yet received its proper spotlight and thus remains to be understudied. Although reconciliation seems to be the exemplary way, a seemingly universalist value to deal with past conflicts and murky history, many layers, socio-cultural and geopolitical, are yet to be unearthed. In relation to the principle of decolonization, examining further how nation-states, in particular those countries that went through colonization and the subsequent authoritarian/military regime, deal with the issue of the dark past in history through the discourse reconciliation, or even how they circumvent reconciliation, can be a notable start to inspect the mechanism of travelling ideas through globalization and the dialogue with area-based movements and politics.

It is through this concern that pushing forward a thematic issue like scrutinizing the discourse of reconciliation, in conjunction with decolonization, will serve as a platform to build a network of resonance that might prove helpful to revitalize area studies. Resonance in an abstract sense for there are things which cannot be articulated yet felt, a structure of feelings that is the result of material changes in the society. The notion of suffering, though taking different forms, might resonate in different localities. The residues of South African and South Korean TRC mechanisms leave out this unarticulated suffering that requires a channel for outlet, that which oftentimes cannot be addressed by the state. In South Korea, it takes on the form of reliance on shamanism. What about other localities? Can suffering as the aftereffect of reconciliatory attempts be used as the foundation of inter-referencing process across different localities? Can it produce or unearth new modes of thinking and alternatives? The answer is yet to be seen, but attempts should always be kept on-going to optimize the possibilities and to rethink the body of knowledge present in our situation. Most importantly, using reconciliation as a method (or methodology some would say) will be useful as it can function as an organizing concept to interrogate history, local and regional and global, and unpack the problematics that find resonance with the larger regional and global issues.

Differences in state mechanism and historical processes should be made clear, but there needs to be a red string that connects together the shared experiences of the traumatic pasts. More joint-efforts should focus on cross-referencing with other areas we know so little about, developing dialogic connection that goes beyond conventional area studies demarcation. Other vital component like grassroots activism and arts practices can also be the counterpart in the dialogues to investigate links, fractures and travelling ideas. Such interaction has to be facilitated for scholarly work and

activism have goals that are inextricably linked to formulations of ideas, a more locally grounded knowledge production, to find our references for thinking. Area studies must step up to the challenge, even if it means it has to deconstruct the basis of its foundation.

REFERENCES

- Bharucha, Rustam (2014) *Terror and performance*, New York: Routledge.
- Chen, Kuan Hsing (2010) *Asia as method*, London: Duke University Press.
- Dirlik, Arif (2003) Culture against history? The politics of East Asian identity, in Mirsepassi, Basu and Weaver (Eds.), *Localizing Knowledge in a Globalizing World*, Syracuse, NY: Syracuse University Press, pp. 193-215.
- ELSAM. (n.d.) Mendorong pembentukan kembali UU Komisi Kebenaran dan Rekonsiliasi, Jakarta: ELSAM, Retrieved from <http://www.elsam.org>
- Hayner, Priscilla B (2011) *Unspeakable truths: Transitional justice and the challenge of Truth Commissions*, New York: Routledge.
- Heryanto, Ariel (2006) *State terrorism and political identity in Indonesia: Fatally belonging*, London: Routledge.
- Heryanto, Ariel (2014) Great and misplaced expectations, *Critical Asian Studies*, 46.1, 162-166, doi: 10.1080/14672715.2014.863584
- Joko's Reconciliation Commission Lacks Moral Weight [Editorial] (2015, May 22), *The Jakarta Globe*, Retrieved from www.thejakartaglobe.com
- Kholis, Nur & Komisi Nasional Hak Asasi Manusia (2012) Pernyataan Komisi Nasional Hak Asasi Manusia (Komnas HAM) tentang hasil penyelidikan pelanggaran HAM yang berat peristiwa 1965-1966, Retrieved from Komnas HAM website: <http://www.komnasham.go.id/sites/default/files/dok-publikasi/EKSEKUTIF%20SUMMARY%20PERISTIWA%201965.pdf>
- Kim, Dong Choon (2010) The long road toward truth and reconciliation, *Critical Asian Studies*, 42:4, 525-552, doi: 10.1080/14672715.2010.515387
- Kim Dae-jung: Dedicated to reconciliation (2001, June 14) *CNN*, Retrieved from www.edition.cnn.com
- Kim, Seong Nae (2007) Mourning Korean modernity in the memory of the Cheju April Third Incident, in K. H. Chen and C. B. Huat (Eds.), *The Inter-Asia Cultural Studies Reader* (pp.191-206), New York: Routledge.
- Mamdani, Mahmood (1996) Reconciliation without justice, Retrieved from http://web.uct.ac.za/depts/sarb/X0045_Mamdani.html
- Mamdani, Mahmood (2015) Beyond Nuremberg: The historical significance of the post-apartheid transition in South Africa, *Politics & Society*, 43(1), 61-88, doi: 10.1177/0032329214554387
- Mirsepassi, Ali, Basu, Amrita, & Weaver, Frederick Stirton (2003) *Localizing knowledge in a globalizing world: Recasting the area studies debate*, Syracuse, NY: Syracuse University Press.
- PM vows efforts to console victims of Jeju uprising (2015, April 3) *Yonhap News*, Retrieved from www.english.yonhapnews.co.kr
- Republik Indonesia (2004) Undang-Undang No. 27 Tahun 2004 tentang Komisi Kebenaran dan Rekonsiliasi, No. 114. Jakarta: Sekretariat Negara.

- Republik Indonesia (1960) Undang-Undang No. 5 Tahun 1960 tentang Peraturan Dasar Pokok-Pokok Agraria, Jakarta: Sekretariat Negara.
- Revolusi Agraria Perspektif UUPA No 5 Tahun 1960 (2013, February 3) WALHI Kalimantan Tengah, Retrieved from <http://walhikalteng.org>
- Roosa, John (2006) *Pretext for mass murder: the September 30th movement and Suharto's coup d'état in Indonesia*, Madison, Wis: University of Wisconsin Press.
- Ryang, Sonia (2013) Reading volcano island: In the sixty-fifth year of the Jeju 4.3 Uprising, *The Asia-Pacific Journal*, 11.36:2. Retrieved from <http://www.japanfocus.org/-Sonia-Ryang/3995/article.html>
- Saptaningrum, Wahyu, Eddyono, & Abidin (2007) Making human rights a constitutional right (Briefing Paper Series, No. 01), Jakarta: ELSAM. Retrieved from <http://www.elsam.org>
- Song, Jung Hee (2010, March 31) Islanders still mourn April 3 massacre, *Jeju Weekly*. Retrieved from: www.jejuweekly.com
- South Africa (1999) Truth and Reconciliation Commission of South Africa report: Vol. 5. London [u.a.: Macmillan Reference [u.a..
- Subotić, Jelena (2009) *Hijacked justice: Domestic use of international norms*, Doctoral dissertation, University of Wisconsin-Madison.
- Suh, Jung Jae (2010). Truth and reconciliation in South Korea. *Critical Asian Studies*, 42:4, 503-524, doi: 10.1080/14672715.2010.515386
- Task Force of Preparing Investigation Report of Jeju April 3 Incident., & Jeju 4.3 Peace Foundation. (2014). The Jeju 4.3 incident investigation report. Seoul, Korea: National Committee for Investigation of the Truth about the Jeju April 3 Incident.
- Utami, Ranny Virginia (2015, May 21). Jokowi bentuk komite rekonsiliasi untuk kasus HAM masa lalu. *CNN Indonesia*. Retrieved from www.cnnindonesia.com
- Wesley-Smith, Terence & Goss, Jon D. (2010) *Remaking area studies: Teaching and learning across Asia and the Pacific*, Honolulu: University of Hawai'i Press.
- Yoneyama, Lisa (2010) Politicizing justice, *Critical Asian Studies*, 42:4, 653-671. doi: 10.1080/14672715.2010.515391
- Katz, B., Noring, L., & Garrelts, N. (2016). Cities and refugees: The german experience. *Brookings Institution Reports*,
- Ros, Lourdes. (2014). *Perspektive Deutsch. Kommunikation am Arbeitsplatz A2/B1+*. Stuttgart: Klett.
- Weissenberg, Jens. (2013). "Deutsch am Arbeitsplatz fördern". In Ulrich, Winfried Oomen-Welke, Ingelore, Ahrenholz, Berndt (ed.). *Deutschunterricht in Theorie und Praxis* (pp. 366-377). Baltmannsweiler: Schneider Verlag Hohengehren.
- https://www.destatis.de/DE/PresseService/Presse/Pressemitteilungen/2017/11/PD17_387_12521.html. Accessed September 6, 2018.
- <http://www.bpb.de/nachschlagen/lexika/das-europalexikon/176949/europarat>. Accessed September 6 2018.
- "An Interview with Aydan Özoğuz, German Commissioner for Immigration, Refugees and Integration." *International Migration* 55, no. 6 (December 2017): 5–11. doi:10.1111/imig.12404. Accessed Maret 15, 2019.
- De Maizièrè. Thomas, (2017). *Wir sind nicht Burka*": Innenminister will deutsche Leitkultur. [Online]. Available: <https://www.zeit.de/politik/deutschland/2017-04/thomas-demaiziere-innenminister-leitkultur/seite-2>. (April 30 2014).

